THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12610 of 2007

18.6.2007

Between:

Salma Khanam, D/o.Late Mohd. Raza Baid
And others

… Petitioners

AND

The Union of India, represented by the Defence Estates Officer,
Andhra Pradesh Circle, Court Compound, Secunderabad

… Respondent

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ORDER:

The petitioners are allegedly legal heirs and successors of M/s.Mir Hasal Ali, Mirza Mohd. Baid, Smt.Hanifabibi and Smt.Putli Bibi. They filed the instant writ petition seeking a writ of Mandamus directing the respondents 1 to 5 to release the land over and above the land which was acquired after calling for the records insofar as they relate to pro-tem occupancy of the petitioners as inamdars in respect of land admeasuring Acs.323.31 gts comprised in survey Nos.2(P), 3(P), 5(P), 7(P), 9(P), 44/4, 56/4, 57, 58/3, 60, 68, 70, 71, 81 to 90 etc., (in all 68 survey numbers) situated at Ferozeguda Village of Balanagar Mandal in Hyderabad District.

The brief fact of the matter is as follows. The erstwhile Nizam granted land to the predecessors of the petitioners in Muntakhan No.529/1927 Fasli as inam in respect of land admeasuring Acs.671.02 gts in various survey numbers situated at Ferozeguda village. The grantees were in possession of the land except the land leased out, vide lease deed No.1154, dated 8th Rabi-Us-Sani 1303 Hirji, to Sardar Dilawar-Ud-Dhoula Bahadur for development of land for civic habitation. In the year 1929 Defence Department under British regime occupied the land for New Rifle Range and Masket practices for temporary use and for release of the land after completion of defence activities. This occupancy continued till 1951. In that year, the Special Deputy Collector (Land Acquisition), Khairatabad, Hyderabad, initiated land acquisition proceedings for acquiring Acs.139.19 gts for defence purpose and Acs.123.12 gts for research and development wing of BHEL. Compensation was also paid to them for the land acquired. According to the petitioners entire extent of land admeasuring Acs.323.31 gts was not acquired and an extent of Acs.70.00 still continued to be in the ownership of the petitioners though it was occupied by the defence department. Therefore, they went on making

representation for release of the land, which was acquired, in vain. The petitioners along with another therefore filed W.P.No.6020 of 1992. The writ petition was dismissed. In spite of the same, petitioners contend that the right of the petitioner to the unacquired land remains intact and therefore Mandamus should be issued to the respondents to release the land.

After hearing learned Counsel for the petitioners and learned Assistant Government Pleader for Revenue (General-T) appearing for respondents 2 and 3, this Court has no manner of doubt to hold that the writ petition is wholly misconceived and barred by huge delay. Petitioners are also guilty of laches and are also bound by the orders passed by this Court in W.P.No.6020 of 1992. Admittedly the entire extent of land was occupied by the defence department in 1929. The land was acquired in 1951 and the petitioners received compensation. Indeed they also agitated the matter before the Court of the District Judge, Hyderabad, for enhancement of compensation and received the compensation after this Court disposed of the appeal in A.S.No.11 of 1957 dated 01.11.1963. Even thereafter they did not agitate the matter for getting the release of the land, which was allegedly not acquired. Ultimately they filed W.P. No.6020 of 1992 praying for a writ of Mandamus directing respondents 1 to 3 (respondents 1 to 3 therein) to forbear from alienating or auctioning the lands. This Court dismissed the writ petition on 17.9.2002 observing as under.

> Having regard to the same it is stated that the petitioners have no substantiating right or any invariable claim. Having considered the averments made and also on perusal of the record it is evidence that the petitioners are now trying to stake claim without reference to the proceedings which have already been initiated by the respondents herein under the Hyderabad Land Acquisition Act whereby the land was already vested with the respondents as long back as in the year 1926 itself.
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> Having regard to the same, I do not find any justification in the writ petition. Accordingly the Writ Petition is dismissed. No costs.

A reading of the above would show that after acquisition of the land, the same vested in the Government and the petitioners have no manner of right to seek the relief as prayed for.

The writ petition is misconceived and is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

June 18, 2007.
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